

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

M.B.D. NO. 17-91151-RGS

IN Re: MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

MOVANT: GERARD D. GRANDOIT

MEMORANDUM AND ORDER

October 23, 2017

Movant Gerard D. Grandoit filed a notice of appeal [Docket No. 6] as to the order [Docket No. 5] denying his request for leave to file a new lawsuit. Now pending is Grandoit's motion for leave to appeal *in forma pauperis*. Docket No. 9.

STANDARD OF REVIEW

Applications to appeal *in forma pauperis* are governed by 28 U.S.C. § 1915 and Federal Rule of Appellate Procedure 24. In pertinent part, Rule 24(a) provides:

(1) ... [A] party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows ... the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

Similarly, Section 1915(a)(1) provides “any court of the United States may authorize the commencement, prosecution or defense of any ... appeal ... without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor.” 28 U.S.C. § 1915(a) (1). Section 1915(a)(1) requires that the affidavit also state the nature of the action, defense or appeal and the affiant's belief that the person is entitled to redress. Id.

DISCUSSION

Here, Grandoit lacks funds to pay the appellate filing fee for this action. Despite his financial inability to pay the filing fee, Grandoit has not submitted an affidavit, or proper substitute therefor, “claim[ing] an entitlement to redress” or “stat[ing] the issues that [he] intends to present on appeal” as required by Rule 24(a)(1)(B) and (C) of the Federal Rules of Appellate Procedure. Because Grandoit fails to provide any reason to conclude that there is a legitimate ground for appeal, his motion is denied.

ORDER

Based on the foregoing, it is hereby Ordered that:

(1) Grandoit’s motion (Docket No. 9) for leave to appeal *in forma pauperis* is DENIED. Further requests to proceed on appeal *in forma pauperis* should be directed on motion to the United States Court of Appeals

for the First Circuit in accordance with Rule 24(a)(5) of the Federal Rules of Appellate Procedure; and

(2) The clerk is directed to transmit this Order as a supplemental record to the First Circuit Court of Appeals.

SO ORDERED.

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE